



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 25 2009

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Jaime Maliszewski, Registered Agent and General Manager
Elite Finishing, LLC
3270 South 3rd Street
Milwaukee, Wisconsin 53207

Re: Finding of Violation
Elite Finishing, LLC
Milwaukee, Wisconsin

Dear Mr. Maliszewski:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Finding of Violation (FOV) to Elite Finishing, LLC (you). We find that you have violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Milwaukee, Wisconsin facility.

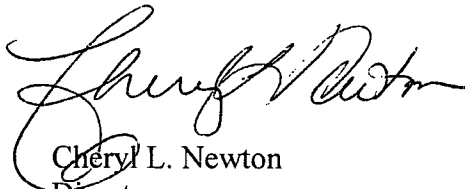
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

The EPA contact in this matter is Constantinos Loukeris. You may call him at (312) 353-6198 to request a conference.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

United States Environmental Protection Agency Region 5

IN THE MATTER OF:)	
Elite Finishing, LLC)	FINDING OF VIOLATION
Milwaukee, Wisconsin)	
)	EPA-5-09-WI-10
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Elite Finishing, LLC (Elite or you) has violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Elite has violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning at 40 C.F.R. Part 63, Subpart T as follows:

Explanation of Violations

The following regulatory background, factual background, and violations are relevant to this FOV:

Regulatory Authority

1. Pursuant to Section 112(d) of the Clean Air Act, on December 2, 1994, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning, 59 Fed. Reg. 61801. These regulations were final on December 2, 1994 and are codified at 40 C.F.R. Part 63, Subpart T, §§ 63.460 - 63.471.
2. The NESHAP for Halogenated Solvent Cleaning applies to each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride (CAS No. 75-09-2), perchloroethylene (CAS No. 127-18-4), trichloroethylene (CAS No. 79-01-6), 1,1,1-trichloroethane (CAS No. 71-55-6), carbon tetrachloride (CAS No. 56-23-5) or chloroform (CAS No. 67-66-3), or any combination of these halogenated HAP solvents, in a total concentration greater than 5 percent by weight, as a cleaning and/or drying agent. The concentration of these solvents may be determined using EPA test method 18, material safety data sheets, or engineering calculations. Wipe cleaning activities, such as using a rag containing halogenated solvent or a spray cleaner containing halogenated solvent are not covered under the provisions of this subpart.

3. The NESHAP, at 40 C.F.R. 63.463(e)(1), states that each owner or operator of a solvent cleaning machine shall conduct monitoring of each control device used to comply with § 63.463 of this subpart as provided in § 63.466.
4. The NESHAP, at 40 C.F.R. 63.463(e)(2)(i), states that if a freeboard refrigeration device is used to comply with these standards, the owner or operator shall ensure that the chilled air blanket temperature (in °F), measured at the center of the air blanket, is no greater than 30 percent of the solvent's boiling point.
5. The NESHAP, at 40 C.F.R. 63.466(a), states that except as provided in paragraph (g) of this section, each owner or operator of a batch vapor or in-line solvent cleaning machine complying with the equipment standards in §63.463(b)(1)(i), (b)(2)(i), (c)(1)(i), (c)(2)(i), (g)(1), or (g)(2) shall conduct monitoring and record the results on a weekly basis for the control devices, as appropriate, specified in paragraphs (a)(1) through (5) of this section.
6. The NESHAP, at 40 C.F.R. 63.466(a)(1), states that if a freeboard refrigeration device (FRD) is used to comply with these standards, the owner or operator shall use a thermometer or thermocouple to measure the temperature at the center of the air blanket during the idling mode.

Factual Background

7. Elite owns and operates a batch vapor degreaser at its facility located at 3270 South 3rd Street in Milwaukee, Wisconsin.
8. Elite's batch vapor degreaser, Emission Unit P10, uses trichloroethylene in a concentration greater than 5 percent by weight; therefore Emission Unit P10 is subject to the requirements at 40 C.F.R. Part 63 Subpart T.
9. On October 27, 2008, Elite submitted their semi-annual report for the NESHAP, indicating there was a single occurrence where the temperature of the FRD was not recorded during the week of June 30 through July 4, 2008.

Explanation of Violations

11. Elite failed to monitor and record the temperature of the FRD for Emission Unit P10 for the week of June 30 through July 4, 2008. This is a violation of 63.463(e)(1) and 63.466(a).

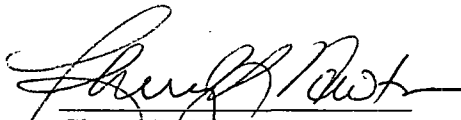
Impact of Violations

12. Violation of the above MACT standard increases public exposure to HAP emissions, including, but not limited to, trichloroethylene. Organic HAPs are major precursors in the formation of atmospheric level ozone, a photochemical oxidant associated with a

number of detrimental health and environmental effects. In the presence of sunlight, and influenced by a variety of meteorological conditions, HAPs react with oxygen in the air to produce ozone.

13. Ozone is one of six listed criteria pollutants targeted for control under the Clean Air Act by the establishment of a National Ambient Air Quality Standard. Its human health impact is on respiratory function, even among healthy individuals. Accompanying symptoms from exposure may include sore throat, tightness or pain on breathing, coughing and headache. Aside from its human health impact, ozone can prove harmful to crops and vegetation and can cause materials such as rubber to prematurely degrade.

Date: 9/25/09


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5- 09-WI-10, by Certified Mail, Return Receipt Requested, to:

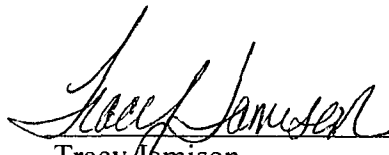
Jaime Maliszewski, Registered Agent and General Manager
Elite Finishing, LLC
3270 South 3rd Street
Milwaukee, Wisconsin 53207

I also certify that I sent copies of the Finding of Violation by first class mail to:

Ted Cauwels
Wisconsin Department of Natural Resources
SER – Sturtevant Service Center
9531 Rayne Road Suite 4
Sturtevant, Wisconsin 53177

Bill Baumann
Wisconsin Department of Natural Resources
101 S Webster Street - AM/7
Madison WI 53703

on the 28 day of Oct, 2009.


Tracy Jamison
Office Automation Assistant
AECAS, ([MI/WI])

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0000 0293 1268